

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ABRAHAM PHILIP, M.D.  
Plaintiff,

V.

JOHN CRONIN,  
Defendant.

No. 04-CV-11069-JLT

DEFENDANT JOHN CRONIN'S INITIAL DISCOVERY DISCLOSURE

NOW COMES THE DEFENDANT JOHN CRONIN, who, pursuant to the requirements of F.R.Civ.P. 26(a)(1), L.R. 26.1 (B), and L.R. 26.2 (A), respectfully submits the following Initial Disclosures as required by this Court's Scheduling Order (Tauro, J.):

1. L.R. 26.1(B)(2):

(a) Witnesses:

1. All parties listed above;
2. Dr. Richard Evans, the acting Chief Medical Examiner who will testify to the proceedings at the Office of the Chief Medical Examiner;
3. Attorney Jacqueline Faherty, general counsel for the Office of The Chief Medical Examiner who will testify to the administrative and legal dealings with Dr. Philip;

4. Dr. Frances Delmonico of the New England Organ Bank who will testify to the operations of the Bank and its relationship to the Office of the Chief Medical Examiner, particularly in regard to organ donation;
5. Deidre Ward, administrative assistant at the Office of the Chief Medical Examiner who will testify to receiving a blood spattered death certificate from Dr. Philip and his actions at and around this time;
6. Kathleen Taylor, administrative staff at the Office of the Chief Medical Examiner who will also testify to Dr. Philip's actions during the time in question;
7. State Trooper Paul L'Italien who will testify to his observations of Dr. Philip during the blood spattered death certificate incident;
8. Leslie Ward, member of the administrative staff at the Office of the Medical Examiner who will corroborate John Cronin's statements regarding his dealings with Dr. Philip;
9. Dr. Evangelista, assistant medical examiner who will testify to Dr. Philip's behavior at the Office of the Chief Medical Examiner;
10. Dr. Sandler, assistant medical examiner who will testify to Dr. Philip's behavior at the Office of the Chief Medical

Examiner;

11. Dr. William Zane, assistant medical examiner who will testify to Dr. Philip's behavior at the Office of the Chief Medical Examiner;
12. Executive Office of Public Safety Undersecretary Jane Tewksberry who will testify regarding the plaintiff's suspension and termination;
13. Dr. Charles Hirsch, Chief Medical Examiner for New York City who will testify to the plaintiff's tenure with his office;
14. Trooper Wesley Wanagel who will testify to the plaintiff's behavior with him at the Office of the Chief Medical Examiner;
15. Trooper Edith Platt;
16. Dr. Guy Vallaro, University of Massachusetts Toxicology Lab, who will testify to the State toxicological procedures and how they changed.

2(b) Not applicable.

2(c) Apart from internal administrative investigations regarding Dr. Philip's behavior at the Office of the Chief Medical Examiner, the defendant is unaware of any governmental agency or official who has investigated the occurrences giving rise to his defense.

The defendant reserves the right to call any witnesses identified by the plaintiff.

2. Local Rule 26.2 (A) documents in defendant's custody that he may use to support his defenses:

1. The email correspondence between Dr. Philip and John Cronin;
2. The email correspondence between Dr. Philip and Dr. Evans;
3. The written correspondence between Dr. Philip and John Cronin;
4. The written correspondence between Dr. Philip and Dr. Evans;
5. Dr. Philip's letters to the Governor;
6. The Bloody death certificate;
7. Dr. Philip's contract;
8. Dr. Philip's contract termination documents;
9. Memorandum to Dr. Philip from Mr. Cronin outlining the one day suspension;
10. Office of the Chief Medical Examiner's Workplace Violence Protocol;
11. The four witness statements regarding the incident where Dr. Philip handed a bloody death certificate to Deidre Ward;
12. Policies and Procedures Manual for the Office of the Chief Medical Examiner;
13. Correspondence with the Human Resources Division regarding Dr. Philip's tenure;
14. Toxicology plan from Dr. Vallaro;
15. Medical examiner job description;

16. Emails from Assistant District Attorney Lewis Armistead with Attorney Jacqueline Faherty and Abraham Philip;
17. Email from Denise Sarno on termination notification timelines;
18. Workplace Safety Investigation;
  - a) meeting minutes of workplace violence committee dated 3/3/04;
  - b) meeting minutes of workplace violence committee dated 3/4/04.

The defendant states that he believes the plaintiff already possesses copies of all of the above documents. If plaintiff does not possess a copy of any of the documents, it will be produced.

3. List of individuals the defendant wishes to depose:
  1. Dr. Abraham Philip

The defendant John Cronin hereby states that he has prepared the above Initial Disclosures based upon the information and documents currently available to him at this time. In doing so, he does not waive, but specifically reserves, his right to present additional information, evidence, and documents pursuant to the Federal Rules of Civil Procedure and the Local Rules of the United States District Court. The defendant also specifically reserves his right to object to the admissibility of any of the information and documents produced.

Respectfully Submitted,

COMMONWEALTH OF MASSACHUSETTS

By its Attorneys,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ \_\_\_\_\_  
Mary O'Neil, BBO #379430  
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Date: October 25, 2004

CERTIFICATE OF SERVICE

I, Mary O'Neil, counsel for the defendant, hereby certify that on October 25, 2004, I served the foregoing by causing a copy to be mailed postage prepaid to counsel of record, Daniel Sharp, at Whitfield, Sharp & Sharp, 196 Atlantic Avenue, Marblehead, MA. 01945.

/s/ \_\_\_\_\_  
Mary O'Neil,  
Assistant Attorney General